

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. 99-849-A)

In the Application of:

Odile Leroy

Serial No.: 09/423,698

Filing Date: February 10, 2000

For: Multivalent Vaccine Composition
With Mixed Carriers

the Examiner: I. Fields

Group Art Unit: 1645

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JM
7/18/02

RESPONSE TO THE FINAL OFFICE ACTION MAILED MAY 7, 2002

Commissioner for Patents
Box AF
Washington, D.C. 20231

Dear Sir:

In response to the Office Action mailed May 7, 2002, please consider the following remarks.

Rejection of Claims 1-24 Under 35 USC § 112, First Paragraph

Claims 1-24 stand rejected for failure to satisfy the written description requirement because, according to the Examiner, the application does not provide sufficient description for a composition that comprises a "plurality" of different conjugates derived from "any" *Streptococcus pneumoniae* serotypes/serogroups.

Applicants respectfully disagree that the specification fails to provide a sufficient description of the invention. The disagreement between Applicants and the Examiner appears to be whether one skilled in the art would understand that the invention applies to all serotypes/serogroups of *Streptococcus pneumoniae*. In their response to the previous Office Action, Applicants stressed that the serogroups/serotypes of *Streptococcus pneumoniae* are well known to those skilled in the art. The Examiner does not appear to contest this fact. Instead, the Examiner states that the "scope of the claims includes numerous structural variants and ... the disclosure fails to describe the common attributes or characteristics that identify all the members of the encompassed claimed invention"

CERTIFICATE OF MAILING (37 C.F.R. 1.8a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the: Commissioner for Patents, Box AF, Washington D.C. 20231, on July 8, 2002.